

04-1327 HOLMES V. SOUTH CAROLINA

DECISION BELOW: 605 S.E.2d 19 (S.C. 2004)

LOWER COURT CASE NUMBER: 25886

QUESTIONS PRESENTED

1. Whether South Carolina's rule governing the admissibility of third-party guilt evidence violates a criminal defendant's constitutional right to present a complete defense grounded in the Due Process, Confrontation, and Compulsory Process Clauses?
- ~~2. Whether a capital defendant is denied due process when a prosecutor successfully moves for the exclusion of third-party guilt evidence and then, in closing argument, urges the jury to find the defendant guilty because of the absence of such evidence?~~

Cert. Granted 9/27/05 limited to Question 1 presented by the petition